

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

No. 1:23-cv-02330

CHARLES BOYD,

Plaintiff,

v.

LAYER CAKE CREATIVE SERVICES,
LLC, et. al.,

Defendants.

**Request to Extend time for
Mediation**

September 20, 2023

BY: ECF

Honorable Magistrate Judge Robert W. Lehrburger
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Request to Extend the Mediation Timeframe

Dear Judge Lehrburger:

We represent the Parties in the above-captioned action. We have communicated with the assigned Mediator, Mr. Anthony J. Constantini, Esq. concerning a date for the Court-ordered mediation (dkt. # 59). Mr. Constantini was assigned on 8.23.2023.

At that time, the Parties wrote jointly to him to explain that there was already an almost four-year old companion case in New Jersey concerning the same underlying dispute, (Boyd v. Clark, et. al. HUD L-000752-20). This case, and the cause of action of Civil Rico, was brought by Plaintiffs before this Court largely as a result of discovery in that NJ case. Defendants in that case are represented by Mr. Brian Rader, Esq.

We explained to Mr. Constantini that all counsel believe that for this matter to successfully resolve in mediation, Mr. Rader should be present and the issues concerning that case also discussed to ensure a global settlement. All counsel still believe that mediation may be successful.

Mr. Constantini has graciously and prudently agreed to permit Mr. Rader's participation. However, finding a mediation time with three sets of counsel can be a bit like herding cats. Mr. Rader strongly expects to be on trial the week Mr. Constantini

suggested (October 24th-27th). All counsel plan to speak on a conference call to compare calendars and set a date and time. Mr. Constantini is indisposed on vacation with limited communication access until next week.

For these reasons, we seek an extension of the time to set the mediation date, set forth in dkt. #59, for an additional two weeks. This is a first request for an extension of time to set a mediation date.

Respectfully submitted,

/s/ Edward Carlson

Edward Carlson
Carlson & Ryan, LLP

43 West 43rd Street STE 243
New York, N.Y. 10036
+1 (917) 714-0189
ed@carlsonryanlaw.com

Attorney for Plaintiff

cc by Email:

Antony J. Constantini, Esq.
Duane Morris LLP
1540 Broadway
New York, NY 10036
Email: AJCostantini@duanemorris.com

Brian M. Rader, Esquire
Rader Law, LLC
221 River Street, 9th Floor
Hoboken, New Jersey 07030
T: 201-721-8561
Email: brian@theraderlawfirm.com

Mediation Office, USDC
Southern District of New York
40 Foley Square, Suite 120
New York, New York 10007
(212) 805-0643
Email: MediationOffice@nysd.uscourts.gov

/s/ Michael R. Horenstein

Michael R. Horenstein
Law Office of Michael R. Horenstein

437 East 80th Street, Ste. No. 27
New York, New York 10075
Tel: 212-517-7340
Cell: 917-207-4280
michael.r.horenstein@gmail.com

Attorney for Defendants